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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Anil Vasudevan

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2455

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/893,888	Applicant(s) VASUDEVAN, ANIL	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)

1. Claims 1-16 and 18-24 are pending and remain for further examination.

The new grounds of rejection

2. Applicants' arguments and amendments with respect to claims 1-16 and 18-24, and request for continued examination (RCE) filed on September 12, 2008 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 and 18-24 are rejected under 35 U.S.C. 102 (e) as being anticipated by Takamoto et al (U.S. Patent No. 6,470,391).

Takamoto's patent meets all the limitations for claims 1-16 and 18-24 recited in the claimed invention.

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5. As to claim 1, Takamoto et al teach a method of transferring data packets between a server environment and a client (abstract, summary of the invention; and figures 1-4 and 12), the method comprising: receiving, at network driver device, a data packet transmitted from a stack in the server environment; sending, from the network driver device, an acknowledgment packet to the stack without sending the acknowledgment packet across the I/O bus; and after sending the acknowledgement packet, transmitting, by the network driver device, the data packet across the I/O bus in the server environment to the client (figures 1-4 and 12; column 7 line 1 to column 8 line 15; and column 10 lines 8-39).

6. As to claim 2, Takamoto et al disclose that the data packets comprise TCP/IP data packets (column 2 lines 3-57).

7. As to claim 3, Takamoto et al teach that storing information regarding the transmitted data packet in a network interface card (figures 1-2; column 5 line 59 to column 7 line 36).

8. As to claim 4, Takamoto et al teach that transmitting the data packet across a network from the server environment to the client (figures 3-4; and column 7 line 37 to column 8 line 15).

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9. As to claims 5-7, Takamoto et al teach that the network interface card monitoring acknowledgment packets regarding the data packet from the client/server; recognizing an error condition at the network interface card if the acknowledgment packet regarding the transmitted data packet is not received from the client/server; and transmitting an indication of the error condition (figures 17-20; column 12 line 1 to column 14 line 14).

10. As to claims 8-14, they are also rejected for the same reasons set forth to rejecting claims 1-7 above because claims 8-14 do not teach or define any new limitations than above claims 1-7.

11. As to claims 15-16 and 18-21, they are also rejected for the same reasons set forth to rejecting claims 1-7 above, since claims 15-16 and 18-21 are merely an apparatus for the method of operation defined in the method claims 1-7. Additionally, Takamoto et al disclose (claim 15) a server comprising: an operating system having a stack mechanism and a driver mechanism; a network interface card comprising a memory storing information related to a data packet; and a I/O bus coupled between the operating system and the network interface card (figures 1-2; column 5 line 59 to column 7 line 36).

12. As to claims 22-24, they are also rejected for the same reasons set forth to rejecting claims 1-7 and 15 above, since claims 22-24 are merely an apparatus for the method of operation defined in the method claims 1-7. Additionally, Takamoto et al a

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network interface card comprising: a mechanism to communicate across a network so as to transmit the received data packets to a remote system and to receive an acknowledgment packet from the remote system across the network (figures 3-4 and 12; column 7 line 37 to column 8 line 15; and column 10 lines 8-39).

Response to Arguments

13. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

September 24, 2008